

FROM :

FAX NO. :6104379150

Dec. 26 2007 09:40AM P1

PTO/SB/21 (09-08)

Approved for use through 03/31/2007. OMB 0851-0031

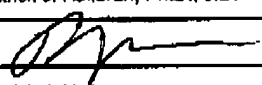
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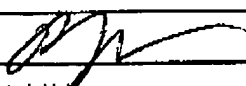
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/563,137	<b>RECEIVED CENTRAL FAX CENTER DEC 26 2007</b>
	Filing Date	1A. 04/15/2004	
	First Named Inventor	Barinstein, N.	
	Art Unit	T8D	
	Examiner Name	T8D	
Total Number of Pages in This Submission	18	Attorney Docket Number	API-03-03-PCT-US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Please see Remarks
Remarks Enclosed: 1) Response to Notice of Defective Response dated 11/26/2007 (1 page); 2) copy of Notice (2 pages); 3) declaration (4 pages); 4) copy of response filed 06/28/2007 (8 pages) Submitted via facsimile to 571-273-8300		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Patrick J. Halloran, Ph.D., J.D.		
Signature			
Printed name	Patrick J. Halloran		
Date	12/26/2007	Reg. No.	41,053

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Patrick J. Halloran	Date	12/26/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**DEC 26 2007**

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

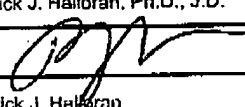
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/553,137	
	Filing Date	04/15/2004	
	First Named Inventor	Bernstein, N.	
	Art Unit	TBD	
	Examiner Name	TBD	
Total Number of Pages In This Submission	206	Attorney Docket Number	API-03-03-PCT-US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) <u>2</u> <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice dated 12/28/2006; additional attachments listed in Remarks section
<b>Remarks</b> US Express Mail No. EB080506411US Additional attachments: Response to Notice of Missing Requirements dated 12/28/2006 (6 pages); paper copy of new sequence listing (36 pages); declaration (4 pages); marked-up copy of amended specification (80 pages); clean copy of amended specification (77 pages)		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Patrick J. Halloran, Ph.D., J.D.		
Signature			
Printed name	Patrick J. Halloran		
Date	08/28/2007	Reg. No.	41,053

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Signature			Date
Typed or printed name			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FROM :

FAX NO. :6104379150

Dec. 26 2007 09:42AM P9

LB 0805 06411 US

Deposited June 28, 2007

Ser. No. 10/553137

Bergstein et al.

API-03-03-PCT-US



Attached. 1) Response (6 pages); 2) Two (2) CD-Roms;  
3) Paper copy of sequence listing (36 pages); 4) declaration  
(4 pages); 5) Marked-up copy of amended specification (80 pages);  
6) Clear copy of amended specification (77 pages); 7) copy  
of Notice dated 12/28/06, and, 8) Transmittal Letter

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Docket No. API-03-03-PCT-US)

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**DEC 26 2007**

In re Application of:

Berinstein, et al.

Serial No.: 10/553,137

Filing Date: April 15, 2004

For: TUMOR ANTIGENS BFA5 FOR  
PREVENTION AND/OR TREATMENT  
OF CANCER

Examiner: TBD

Art Unit: TBD

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Submitted via facsimile to 571-273-8300

**RESPONSE TO NOTICE OF DEFECTIVE RESPONSE**  
**DATED NOVEMBER 26, 2007**

Dear Sir / Madam,

This is a response to the Notification of Defective Response dated November 26, 2007. Attached herewith are: 1) Transmittal Form; 2) a copy of the Notice (2 pages); 3) declaration (4 pages); and, 4) copy of response filed June 28, 2007 including return postcard showing that declaration was previously submitted (8 pages). It should be noted that the response filed June 28, 2007 included a preliminary amendment and payment of all fees including excess claim fees based on that amendment.

Applicants do not believe any petitions, requests for extension of time, or fees are due with this response. If this is in error, Applicants hereby make such petition or requests and authorize the deduction of any required fees from Deposit Account No. 500715. If funds available in Deposit Account No. 500715 are insufficient, the fees may be deducted from Deposit Account No. 50-0244.

Respectfully submitted,

Date: December 26, 2007

  
Patrick J. Halloran

Reg. No. 41, 053

Patrick J. Halloran, Ph.D., J.D.  
3141 Muirfield Road  
Center Valley, PA 18034  
Tel: 610-984-4751  
pat@pathalloran.com

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**DEC 26 2007**



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,137	Neil Berinstein	API-03-03-PCT-US
INTERNATIONAL APPLICATION NO.		
PCT/TR04/01701		
I.A. FILING DATE	PRIORITY DATE	
04/15/2004	04/15/2003	

65626

PATRICK J. HALLORAN, PH.D., J.D.  
 3141 MUIRFIELD ROAD  
 CENTER VALLEY, PA 18034

**CONFIRMATION NO. 1779**  
**371 FORMALITIES LETTER**



00000000126884678

Date Mailed: 11/26/2007

**NOTIFICATION OF DEFECTIVE RESPONSE**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 10/14/2005
- Copy of the International Search Report filed on 10/14/2005
- Copy of IPE Report filed on 10/20/2006
- Preliminary Amendments filed on 11/23/2007
- Biochemical Sequence Diskette filed on 06/28/2007
- Biochemical Sequence Listing filed on 06/28/2007
- U.S. Basic National Fees filed on 10/20/2006
- Priority Documents filed on 10/20/2006

Applicant's response filed 11/23/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 12/28/2006 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- Surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 was not received.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

page 1 of 2

FROM :

FAX NO. :6104379150

Dec. 26 2007 09:40AM P4

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

WINSTON M ALVARADO

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Telephone: (703) 308-9140 EXT 206

page 2 of 2

FORM PCT/DQ/EO/916 (371 Formalities Notice)